
APPENDIX 6



Court Services and Offender Supervision Agency
for the District of Columbia

Office of the General Counsel

July 28, 2000

The Honorable Royce C. Lamberth
United States District Judge
United States District Court for the District of Columbia
333 Constitution Ave., NW, Room 4434
Washington, D.C. 20001

Re: Order to Show Cause
Misc. No. 00-0149 (RCL)

Dear Judge Lamberth:

I am pleased to enclose the Report and Recommendation concerning the Oscar Veal, Jr. matter you requested my office prepare in your Order of April 12, 2000. As you know, the Report and Recommendation was assigned to independent consultant John R. Shaw.

Mr. Shaw utilized standard methodologies in preparing this Report. Key Department of Corrections (DCDC) employees involved in the Veal release were personally interviewed. Mr. Shaw also interviewed U.S. Marshals Service staff regarding certain practices at the Superior Court and District Court temporary detention cellblocks. Defendant Oscar Veal, Jr.'s DCDC Institutional File was thoroughly examined, along with all other documents relating to this inmate's erroneous release. Mr. Shaw also benefited from the DCDC's own internal investigation into the Veal matter.

A careful review of DCDC and D.C. Jail policies and procedures as they relate to Record Office functions as well as the "Receiving and Discharge" of inmates was undertaken. In addition, policies and practices directing "Reporting of Significant Incidents and Extraordinary Occurrences" and "Notification Procedures" were reviewed.

The Consultant also examined the many previous studies and recommendations regarding the DCDC and D.C. Jail Record Office operations. In preparing this Report and Recommendation, Mr. Shaw was mindful of these previous studies and the actions undertaken by the DCDC to correct deficiencies. In particular, the Leo Gonzales Wright Report prepared by D.C. Corrections Trustee in October of 1999 was carefully reviewed.

Finally, in order to answer questions relating to the soundness of certain policies and practices, Mr. Shaw consulted with specialists in inmate record office management from the D.C. Corrections Trustee's Office and the Federal Bureau of Prisons.

Mr. Shaw's Report contains 31 major findings regarding the various issues raised by the Court's Order. In addition, the Report contains 25 recommendations.

Thank you for permitting me the opportunity to contribute to this important inquiry.

Sincerely,

A large, solid black rectangular redaction box covering the signature of the General Counsel.

General Counsel

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Exhibits

- Exhibit 1: U.S. District Court Judge Lamberth's Orders Requesting
the Report and Recommendation**
- a. Order dated March 2, 2000
 - b. Order dated March 21, 2000
 - c. Order dated April 12, 2000
- Exhibit 2: Relevant Court Orders Regarding the Commitment and
Release of Defendant Oscar Veal, Jr.**
- a. U.S. District Court Order committing Oscar Veal, Jr. to the
custody of the Bureau of Prisons, dated February 28, 2000
 - b. Time/date stamp indicating D.C. Jail receipt of the District
Court Order
 - c. D.C. Superior Court Order releasing Oscar Veal, Jr., dated
February 28, 2000
 - d. Time/date stamp indicating D.C. Jail receipt of the Superior
Court Order
- Exhibit 3: U.S. Marshals Service Prisoner Receipt Form 41 dated
February 28, 2000 for the delivery of Oscar Veal, Jr. to
the D.C. Jail**
- Exhibit 4: D.C. Jail Record Office Administrative Section Post
Order**
- Exhibit 5: D.C. Jail Record Office Admission and Identification
Section Post Order**
- Exhibit 6: D.C. Jail Face Sheet No. 1, dated February 28, 2000
prepared pursuant to the District Court Order
committing Oscar Veal, Jr.**
- Exhibit 7: D.C. Jail Record Office forms prepared February 28,
2000 for the Oscar Veal, Jr. release**
- a. Record Office Face Sheet
 - b. Record Office Release Clearance Checklist

- Exhibit 8: D.C. Jail Receiving and Discharge forms prepared February 28 and February 29, 2000 for the Oscar Veal, Jr. release
- a. D.C. Jail Receiving and Discharge Section Release from Custody Checklist
 - b. D.C. Jail Release Authorization Form dated February 29, 2000, 1:10 a.m.
- Exhibit 9: D.C. Jail Record Office Memorandum to the DCDC Warrant Squad requesting a warrant and return of Oscar Veal, Jr.
- Exhibit 10: Memorandum dated March 16, 2000 from Willie Cooke, DCDC Warrant Squad Investigator regarding the Veal matter
- Exhibit 11: Memorandum from Benjamin Ellis dated February 29, 2000 regarding the Veal erroneous release
- Exhibit 12: The DCDC's Office of Internal Affairs Report dated March 20, 2000 regarding the erroneous release of Oscar Veal, Jr.
- Exhibit 13: The DCDC's Erroneous Release Abatement Plan, approved April 13, 2000 and related documents
- Exhibit 14: D.C. Jail Record Office Interim Procedures dated March 14, 2000 regarding receipt of court documents and release clearance procedures
- Exhibit 15: D.C. Jail memorandums dated April 11 and 12, 2000 implementing procedures outlined in the D.C. Jail Erroneous Release Abatement Plan
- Exhibit 16: DCDC Department Order 1281.1, dated January 18, 1996, entitled "Reporting of Significant Incidents and Extraordinary Occurrences"
- Exhibit 17: DCDC Department Order 1280.2A, dated April 30, 1993, entitled "D.C. Department of Corrections Notification Procedures"
- Exhibit 18: D.C. Jail Warden request to update DCDC Department Orders 1281.1 and 1280.2A
- Exhibit 19: D.C. Jail Interim Notification Procedures, (undated)

Exhibit 20: Commitment Orders regarding Terrance Arli, F-3331-00
& 1466-00

Exhibit 21: Arli's Release Order, dated June 7, 2000

Exhibit 22: Arli's Face Sheet prepared June 5, 2000

Introduction

A. Mission and Scope of the Trustee's Review

On March 2, 2000 the Honorable Royce C. Lamberth, United States District Court Judge for the District of Columbia, in the case of United States of America v. Oscar Veal, Jr., Criminal No. 00-068 (RCL), ordered D.C. Jail Warden Patricia Jackson to show cause for why defendant Oscar Veal, Jr. was released in violation of the Court's order. The Director of the D.C. Department of Corrections and the Warden of the Central Detention Facility filed a response to the Show Cause Order on March 8, 2000. On March 21, 2000, Judge Lamberth, upon consideration of the response filed by the Director and Warden, issued an Order in the case now captioned "In re: Order to Show Cause of Why the D.C. Department of Corrections Should Not be Held in Contempt in the Matter of United States v. Oscar Veal, Jr., Cr. No. 0068." The Order, MISC. No. 00-0149 (RCL), continued the case until a June 27, 2000 status conference and requested the District of Columbia Corrections Trustee, John L. Clark, provide an appropriate Report and Recommendation regarding the erroneous release of Oscar Veal, Jr. On April 12, 2000 Judge Lamberth amended his March 21, 2000 Order and requested the Report and Recommendation be prepared by John A. Carver, Trustee, Court Services and Offender Supervision Agency for the District of Columbia. On May 1, 2000 and with the Court's concurrence, Trustee Carver appointed correctional law and operations consultant John R. Shaw to conduct the investigation and prepare a Report and Recommendation. In his Order, Judge Lamberth requested the following:

- A determination be made as to the facts leading to the erroneous release of defendant Oscar Veal, Jr.;
- A report and recommendations as to "what steps can be – and hopefully have been - taken to ensure the public safety" in matters such as this.

After subsequent discussions with the General Counsel for the Trustee, and clarification from the Court, Mr. Shaw decided the following issues needed to be examined to fully address the concerns of the Court:

- What were the sequence of events giving rise to the erroneous release of Oscar Veal, Jr. and the subsequent delays in reporting the release to the appropriate law enforcement authorities;
- Whether there is adequate District of Columbia Department of Corrections (DCDC) guidance in policy and supervision of Record Office functions at the District of Columbia Central Detention Facility (D.C. Jail);

- Whether appropriate "Receiving and Discharge" procedures regarding admission and release of inmates are in place in the D.C. Jail ;
- Whether appropriate D.C. Jail Records Office procedures regarding admission and release of inmates are in place;
- Are Superior Court and District Court commitment and release orders adequately clear to place the D.C. Jail on notice of the necessary actions;
- Whether DCDC policies and procedures regarding chain of command notification of significant events are adequate;
- Whether DCDC reporting procedures in cases of escapes and erroneous releases are adequate;
- Whether DCDC officials and D.C. Jail employees, as well as other law enforcement entities, are fully aware of the appropriate jurisdiction in cases of escape or erroneous release of various categories of offenders;
- Whether the U.S. Marshals Service (USMS) and/or the DCDC should institute changes regarding clothing provided to inmates in the USMS lockups maintained in the Superior Court and the District Court. (This issue did not occur in the Veal case, but was discovered during the course of the investigation as a collateral issue that could surface in future cases).

The scope of this Report and Recommendation is limited to the above-identified issues. In the short time allocated to complete this report, it was not intended, nor possible, to undertake a comprehensive review of DCDC and D.C. Jail Record Office operations. Previous exhaustive reviews, one as recent as October of 1999, address in detail the many issues facing the DCDC in improving its Record Office management. The DCDC is currently working on correcting major systems deficiencies found in these reports.

Attached as Exhibit 1 are the above-referenced Court Orders issued by Judge Lamberth.

B. The Consultant Employed by the Court Services and Offender Supervision Agency (CSOSA) Trustee to Review the Veal Matter and Prepare the Report and Recommendation

John R. Shaw is an attorney licensed to practice in the states of South Carolina and California, as well as many federal courts. He has over 25 years of correctional law and operations experience. Mr. Shaw was a Regional Counsel for the Federal Bureau of Prisons in two Bureau regions. In addition, Mr. Shaw served as the Deputy Regional Director for the Federal Bureau of Prisons in the North Central Region. He has acted as a Warden and Regional Director on many occasions. Mr. Shaw received numerous awards during his tenure with the Federal Bureau of Prisons, including The Meritorious Service Medal from the Federal Bureau of Prisons, and the Public Service Award from the United States Attorney for the Southern District of Illinois. Mr. Shaw retired from the Federal Bureau of Prisons in early 2000.

C. Methodology

Mr. Shaw utilized standard methodologies in preparing this report. Numerous DCDC employees were interviewed, including DCDC Headquarters administrators, the D.C. Jail Warden, administrators and operational staff. He also interviewed USMS staff regarding certain practices at the Superior Court and District Court temporary detention cell blocks, as well as transportation of inmates to the D.C. Jail procedures. Defendant Oscar Veal, Jr.'s DCDC Institutional File was thoroughly examined, along with all other documents relating to this inmate's erroneous release. Mr. Shaw also benefited from the DCDC's own internal investigation into the Veal matter, and the changes in operations that have been implemented in response to the investigation.

A careful review of DCDC and D.C. Jail policies and procedures as they relate to the "Receiving and Discharge" of inmates, as well as Record Office functions was undertaken. In addition, policies and practices directing "Reporting of Significant Incidents and Extraordinary Occurrences" and "Notification Procedures" were reviewed.

The Consultant also examined the many previous studies and recommendations regarding the DCDC and D.C. Jail Record Office operations. In preparing this Report and Recommendation, Mr. Shaw was mindful of these previous studies and the actions undertaken by the DCDC to correct deficiencies. In particular, the Leo Gonzales Wright report prepared by D.C. Corrections Trustee in October of 1999 addresses many of the concerns raised in this review. While some recommendations found in Wright, and which are reiterated in this Report and Recommendation, have not yet been addressed by the DCDC, others are in fact underway. In fairness to the DCDC, when reviewing these matters I tried to determine which problems will soon be resolved through new DCDC initiatives and which need further attention.

Finally, in order to answer questions relating to the soundness of certain policies and practices, Mr. Shaw consulted with specialists in inmate record office management from the D.C. Corrections Trustee's Office and the Federal Bureau of Prisons.

Executive Summary

Part A: Narrative Description

Chapter One. Oscar Veal, Jr. is a 29-year-old defendant, who in October of 1999 was charged in D.C. Superior Court with Murder I While Armed. Mr. Veal was held briefly on October 16, 1999 at the D.C. Jail in connection with this charge, but was released to the custody of the U.S. Marshals Service. Mr. Veal was returned to the D.C. Jail during the late afternoon of February 28, 2000 in connection with these same underlying charges, except that the new Commitment Order was now from the U.S. District Court, Judge Royce C. Lamberth, indicating the defendant was charged with First Degree Murder While Armed and Conspiracy to Distribute Fifty Grams or More of Cocaine Base. Along with the District Court Order, the U.S. Marshals Service delivered a Release Order for defendant Veal from Superior Court Judge Rufus King. The Superior Court Release Order related back to the October Commitment Order Criminal Number.

In an unfortunate convergence of human error and systemic problems, Oscar Veal, Jr. was released from the D.C. Jail pursuant to the Superior Court Release Order during the early morning hours of February 29, 2000. At the time of Veal's release, the D.C. Jail Record Office was still processing the District Court Commitment Order. Proper functioning of either the human element or the systems components would have avoided the errors leading to the erroneous release of Oscar Veal, Jr.

Pursuant to the Court's Order regarding this Report and Recommendation, the facts and mistakes resulting in the erroneous release of Oscar Veal, Jr. are addressed in Chapter One.

The specific Record Office and Receiving and Discharge (R & D) procedural problems exposed by the Veal incident, as outlined in the various chapters of this report, have been reasonably corrected by the D.C. Jail. But, until the DCDC addresses system-wide concerns regarding Record Office management and training, it is reasonable to predict that other incidents will occur. This leaves the DCDC subject to additional judicial and public scrutiny, not to mention potential liability. While the Veal case was resolved without incident, it certainly had the potential to end in tragic consequences.

Chapter Two. In addition to D.C. Jail Record Office and R & D issues raised by the Veal matter, serious delays occurred in reporting the erroneous release of Oscar Veal, Jr. While the release was discovered at 7:50 a.m. on February 29, 2000, the appropriate U.S. Marshals Service office was not contacted until approximately 4:30 p.m., February 29, 2000.

Chapter Three. Whether there is adequate overall guidance and supervision of the DCDC Record Office operations is addressed in Chapter Three. Over the past quarter of a century, there have been numerous studies of the DCDC Record Office highlighting areas that were in need of repair. The current administration, which has only been in place one year, has made great strides in working on policy development and review guidelines. However, the overall supervision of Record Office operations in the DCDC continues to need serious improvement. In particular, the Consultant encountered a lack of guidance and supervision of Record Office operations at the DCDC level in policy issuances, expertise available at the Headquarters level, and training.

Chapter Four. This chapter examines the R & D procedures regarding admission and release of inmates at the D.C. Jail. As is discussed in Chapter One of this report, procedures in the R & D contributed in some degree to the erroneous release of Oscar Veal, Jr., although not to the extent as in the Record Office. The R & D is an extremely busy operation, with perhaps as many as 300 inmates a day admitted and released. Generally, while portions of the D.C. Jail R & D Office operation appear outdated, staff do an excellent job of controlling the flow of inmates and paperwork.

Chapter Five. The Consultant found that the D.C. Jail Record Office Chief, and her supervisors, are diligent, hard working DCDC employees who are trying their best to run their department without a great deal of DCDC policy and oversight support. Left to their own devices, they have fashioned a working office, but one which lacks resources from outside the department.

Additions to D.C. Jail Record Office procedures have been implemented which are intended to prevent a repeat of the Veal scenario. However, without the changes recommended in Chapter Three regarding DCDC policy and supervision of Record Office operations, additional problems are likely to occur in the D.C. Jail or elsewhere in the DCDC.

Chapter Six. This chapter examines whether Superior Court and District Court commitment and release orders can be clarified to assist the D.C. Jail in determining if there are actions pending in other courts that would impact commitment and release decisions. Commitment and release orders are inconsistently filled out by the various judges and clerks in the two court systems. Recommendations have been made to remedy most of these problems.

Chapter Seven. As has been noted, many hours went by before the proper U.S. Marshals Service component was notified of the erroneous release. This much delay should be unacceptable to the DCDC and presents potential risk to the public. DCDC policies, procedures, and chain of command issues need to be addressed by the DCDC. Interim procedures are in place at the D.C. Jail, but a revised Department Order should be promulgated.

Chapter Eight. After it was learned that Oscar Veal, Jr. was erroneously released, many hours went by as DCDC officials and the Warrant Squad Investigator tried to determine whether the DCDC had any authority to pursue the inmate. The DCDC and D.C. Jail are accustomed to dealing only with the Warrant Squad in these types of cases. The Warrant Squad apparently knew of the potential jurisdictional issue, but took no steps to correct the situation until late in the day. Clearer instruction and defined roles of key players needs to be developed.

Chapter Nine. During the course of reviewing the Veal case and inmate release procedures, the Consultant learned that many inmates are released directly from Superior Court and District Court Cellblocks maintained by the U.S. Marshals Service. If an inmate does not have release clothing, and does not have an attorney, friend or relative who can bring him the necessary attire, the inmate is released in a bright orange D.C. Jail jumpsuit. This presents a risk to the public, law enforcement authorities, and the inmates. It is recommended this issue be addressed by the appropriate officials in the U.S. Marshals Service in coordination with the other necessary parties.

Chapter Ten. Chapter Ten is a chart outlining the sequence of events regarding the erroneous release of Oscar Veal, Jr.

Chapter Eleven. This chapter is an addendum prepared after the initial completion of the Veal Report and Recommendation by the Consultant. The chapter details the facts of another erroneous release occurring in June of 2000 from the D.C. Jail. The case of Terrance Arli is discussed, and an analysis undertaken to determine whether this new case brings into question the remedial actions taken by the D.C. Jail after the Veal case, as well as whether the Report's findings and recommendations are still valid. Additional findings and recommendations to the Report are added in Chapter Eleven.

The Veal inquiry resulted in Findings 1 through 19. The Arli addendum resulted in Findings 20 through 31. In the Veal portion of the Report, there are 13 Recommendations. The Consultant added Recommendations 14 through 25 based on his findings in the Arli matter.

Executive Summary

Part B: Major Findings

- F-1 There is a lack of guidance from the DCDC as to Record Office operations. Currently, there is no Record Office Manual in the DCDC. Without such standard guidance, staff are forced to devise their own procedures and make de facto policies. This has happened at the D.C. Jail where unsigned, undated Post Orders are in essence the policies followed by the Record Office for the management of the department. **See, Exhibit 4, Post Orders for Record Office Administrative Section, and Exhibit 5, Post Orders for Record Office Admission and Identification Section.** These Post Orders, in and of themselves, are quite good, but they lack consistency and approval by the DCDC. When correctional agencies allow institution departments to operate without overall policy and guidance, problems will follow, regardless of the best intentions of employees at the line level.
- F-2 There is no unified training plan for Record Office operations from the Headquarters level. Recently the Record Office in the D.C. Jail implemented training procedures in response to the Veal release, but it was not coordinated with, or through, the DCDC. Efforts such as these must have supervision at the DCDC level.
- F-3 There is still no Record Office Administrator at the Headquarters level of the DCDC. As has been clearly spelled out in numerous studies, it is imperative that to carry out in some consistent way the recommendations found in so many previous and current reports, an administrator responsible for the overall program must be appointed.
- F-4 The D.C. Jail exceeds most jail operations in the United States for the number of inmates that are processed every day. Busses from the D.C. Superior Court and the U.S. District Court many times transport over 20 inmates at a time to the Jail. Additional commitments brought in by U.S. Marshals and others add to the count. On the other hand, numerous inmates are released from the facility through R & D. Overall, the D.C. Jail R & D Department appears to be a good operation, even though some of the procedures and equipment appear to be outdated.
- F-5 Chapter One of this report outlines what was probably an error in R & D when the Veal paperwork was separated, but not rejoined before it was sent to the Record Office. Although there is some possibility the separation occurred in the Record Office, for the reasons outlined in Chapter One, Section B.2.a, it most likely was in R & D.

- F-6 The Record Office Legal Instruments Examiner assigned to the R & D was either negligent in her duties or was by-passed by R & D staff.
- F-7 Interim policies now in place at the D.C. Jail should enable the facility to avoid further embarrassing Veal type erroneous releases, but only if management and line staff actually follow these procedures. The DCDC and D.C. Jail acted quickly and decisively in taking interim steps to correct the problems.
- F-8 Procedures now require all court orders and U.S. Marshal Forms 40 and 41 to be entered in an R & D logbook. Legal Instrument Examiners are required to carefully examine all court documents. A new D.C. Jail Record Office memorandum (**Exhibit 14**) emphasizes all multiple commitment orders will remain attached together. The procedures also require all court commitments and return commitment orders be loaded into CRISYS within one hour. An activity sheet for all new commitments shall be maintained by Record Office Staff listing court orders, release orders, etc. The shift supervisor will inspect the logbook and activity sheets to ensure commitments are being logged as required. Before any release is effected, Movement Section Legal Instrument Examiners are now required to clear releases for pending new commitment orders. CRISYS, WALES, and NCIC printouts utilized for release purposes will be regenerated if more than one hour has elapsed since the initial printout was produced.

These steps should prevent many erroneous releases, but their success depends solely on whether the D.C. Jail Record Office employees will actually carry out these directives.

- F-9 While the above listed procedures are fine, they also point out an inherent weakness in the DCDC's method of dealing with Record Office issues. All procedures are listed as interim. They are presumably in place until such time as a DCDC Record Office Manual is promulgated. Since there is no Manual at this point, all procedures will have to be implemented under interim directives from each individual institution or through previously reference Post Orders at each facility.
- F-10 Forms being used by the District Court and the Superior Court are inconsistently filled out by the various Judges and Clerks of Court. The DCDC Director presented some examples to the Court in its Response to Show Cause. In addition, the Consultant discovered similar confusing entries on forms coming from the courts. While perhaps the Veal erroneous release would have occurred in any event, it would have reduced the risk greatly if the Superior Court had noted the case transfer to the U.S. District Court.

- F-11 The Superior Court Order releasing Veal did contain the notation "This case only." However, during the Consultant's investigation, he discovered similar notations on other Superior Court orders that did not affect the release.
- F-12 It would be of great assistance to the D.C. Jail if the Superior Court and District Court would convey more information to the Jail about any unique circumstances regarding their orders. Consistency of forms would aid in this endeavor.
- F-13 There is confusion over the applicability of DCDC Department Orders 1281.1 and 1280.2A. Warden Britton of the D.C. Jail wrote to the Deputy Director on April 12, 2000 pointing out some of the problems that came to light during the Veal matter, and asked for a review of these policies. See, Exhibit 18, Memorandum from Warden Jackson to Deputy Director Greer, Notification of Significant/Extraordinary Incident [s].
- F-14 Responsibility for the reporting and follow-up of extraordinary events is unclear.
- F-15 After discussion with the D.C. Jail Warden and many others, it is evident there is uncertainty as to the protocol to follow in the event of an erroneous release. Statements of employees at the D.C. Jail indicate that they did not think they were required to go outside of notifying the Warrant Squad concerning erroneous releases. In the interim, the D.C. Jail has adopted procedures and forms to be followed in cases of erroneous release. See, Exhibit 19, Interim Notification Procedures.
- F-16 There is some confusion in the DCDC Headquarters, DCDC institutions, and the DCDC Warrant Squad as to jurisdictional issues surrounding escapees and erroneous release cases.
- F-17 There may be some lack of coordination between the DCDC, the U.S. Marshals, and the U.S. Attorney regarding protocol in seeking warrants for escapees and erroneous release cases.
- F-18 Some D.C. Jail inmates discharged directly from the Superior Court and District Court Lockups are released home wearing bright orange D.C. Jail jumpsuits with D.C. Jail markings on the back. They are specifically designed to identify the wearer as an inmate. The inmates are given a copy of their release papers in case D.C. Police or other law enforcement agents stop them.
- F-19 Releasing inmates in jail jump suits causes an undue risk to the public and to the inmates.

- F-20 There were numerous errors by no less than three or four employees regarding the erroneous release of Terrance Arli. While the systems in place would have succeeded if utilized, no system can overcome repeated acts of employee negligence.
- F-21 One can only conclude that employees in the D.C. Jail Record Office will need close and continuous supervision if the office is ever to operate at a level anywhere near satisfactory performance.
- F-22 The DCDC's attention to the problems in the D.C. Jail Record Office is worse than the Consultant concluded after the initial Veal Report was written. It does not appear that the DCDC has yet decided to devote the time and resources needed to resolve the many problems that manifest themselves almost daily at the D.C. Jail Record Office. The Consultant found that overall the Record Office is at risk continuously. The Department lacks support in many areas: supervision, training, budget, and overall planning. This is a crucial D.C. Jail department that is need of a complete overhaul. The Consultant can only emphasize the findings and recommendations found in the earlier chapters of this report.
- F-23 Due to a continuing crisis in completing necessary daily work assignments, the D.C. Jail Record Office is not following the DCDC's Veal Abatement Plan (Exhibit 13). See also, Page 14 of this report. Specifically, the Office is not conducting weekly in-service training, has held only one mock exercise, and is not rotating shifts as specified.
- F-24 The DCDC HRM Section has never approved the recommended discipline of five employees arising out of the Veal matter. Almost six months have passed since the Veal incident. The DCDC now will be hard pressed to process charges against these employees.
- F-25 Certain crucial D.C. Jail Record Office procedures are routinely overlooked or ignored by its employees. In particular, court orders and inmate face sheets are not loaded into CRISYS within one hour as specified by the Abatement Plan (Exhibit 13).
- F-26 Contributing to the numerous errors committed in the D.C. Jail Record Office is almost an unfathomable number of inmate files or folders being maintained in the Record Office. Over 50,000 inmate files are currently being housed in the Record Office. The vast majority of these records concern inmates long since released from confinement. In essence, the D.C. Jail Record Office is in shambles. Records are strewn everywhere. There seems to be no accountability for record and file management.

Compounding this issue, the D.C. Jail Record Office is responsible for maintaining the Judgement and Commitment files for all 1,700 current

inmates as well as the main inmate files or folders for these inmates. File accountability is almost impossible. See also, Finding 28 below.

- F-27 The D.C. Jail Record Office appears to be an office staffed with too many under-performing employees who have perhaps been "dumped" there, or for other reasons do not belong in a relatively technical and very sensitive department. The Record Office Chief appears to have no say in the employees who are assigned to her department.
- F-28 Contributing to the difficult working conditions in the Record Office is a continual flow of traffic through the department. While many staff from other departments may have a need to review inmate folders (all D.C. Jail inmate folders are maintained in the Record Office), the flow is greater than necessary. In addition, security breaches are certainly possible given the non-Record Office staff traffic and the lack of security when no Record Office staff are present during the morning watch.
- F-29 While CRISYS, WALES, and NCIC are checked before an inmate is released, procedures do not address current court dockets. On his last visit to the D.C. Jail, the Consultant was reviewing DCDC on-line computer access to various law enforcement entities. In a stroke of good fortune, the Consultant, with the assistance of the day-shift supervisor, discovered that the DCDC's current on-line computer system has access to the D.C. Superior Court and the U.S. District Court docketing system. This can be a tremendous resource to be checked by the DCDC before releasing an inmate. For instance, had this tool been utilized in the cases of Veal and Arli before their release, staff in the Record Office would have readily seen that the inmates had unresolved pending charges in courts other than the ones ordering their release and presumably prevented the resultant errors that occurred in those cases.
- F-30 There seems to be enough staff assigned to the D.C. Jail Record Office to accomplish the Office functions. However, a complete Office audit is necessary to see if the proper number of positions is devoted to each shift and post assignment. In addition, while there may be enough employees assigned to the Record Office, on many days perhaps less than one-half of the assigned employees are actually on the job. Absenteeism is extremely high. Employees are routinely assigned to other details. It is not uncommon for an employee to just not come to work, and be carried as LWOP or AWOL with little consequence.
- F-31 Late night and early morning releases continue to cause problems for the D.C. Jail. Generally, these late releases occur due to the day and evening shifts being unable to accomplish the releases during normal working hours.

Executive Summary

Part C: Major Recommendations

- R-1 Prepare and publish a DCDC Record Office Manual. The Consultant observed there is a draft of a manual, but it has never been finalized. This should be a priority as soon as the Sentence Computation Manual is finalized. This is a basic tool that is extremely necessary for the orderly operation of any prison record office. It is only fair to staff, administrators and even inmates that a uniform operations manual be published to guide employees in carrying out their everyday duties.
- R-2 Under a Training Officer, and in conjunction with a DCDC Record Office Administrator, a DCDC-wide Record Office training plan should be implemented. Until recently, there had been no training of Record Office staff at all. There is now a D.C. Jail Record Office in-house training program, but it lacks the formality of a true training program. The Consultant reviewed the training outline being implemented at the Jail, but did not see any formal training materials that would be used.
- R-3 Appoint a Record Office Administrator at the DCDC Headquarters. This has been proposed in numerous studies over the years. Currently, dedicated staff at the D.C. Jail Record Office are attempting to carry out their duties as best they know how. But, without a resource(s) in Headquarters, employees are to a large degree left to their own devices. A Record Office Administrator would not only be a conduit for information and guidance to the DCDC and its institutions, but could also coordinate the implementation of a Record Office Manual, prepare a training program for the Record Offices, and perform technical assists and reviews.
- R-4 R & D procedures be reviewed to determine if changes to the current system that would enable R & D to obtain the necessary information from the commitment orders without separating the paperwork for photocopying. If this is not feasible, improve procedures to ensure all paperwork is securely attached before it is sent to the Record Office.
- R-5 Evaluate the current procedures regarding the coordination between the R & D staff and the Record Office Legal Instruments Examiner assigned to the R & D. Consideration could be given to routing all orders through the Legal Instruments Examiner on site in the R & D to ensure everything is initially reviewed at the very first stage of the process. A trained Legal Instruments Examiner might be better able to spot unique cases or problems than a Correctional Officer.

- R-6 Provide frequent oversight of the Legal Instruments Examiner assigned to R & D. Ensure the Examiner is actively working with R & D staff when inmates are being processed into R & D.
- R-7 If a DCDC Record Office Manual is not contemplated in the near future, it is recommended that the changes contained in the interim procedures referenced in this report be incorporated into a DCDC Department Order.
- R-8 The DCDC conduct periodic audits to ensure new procedures are in fact being carried out.
- R-9 The Interagency Detention Work Group, formed after the Wright Report, would be able to play an important role in working with the various entities involved in imposing and carrying out court orders. The Superior Court, the District Court, the U.S. Marshals Service, the U.S. Attorney's Office and the DCDC need to examine ways to improve the communication of information to the D.C. Jail.
- R-10 Consideration should be given to delay release orders issued by the Superior Court in cases being transferred to the U.S. District Court. A one-day delay in the Veal release order would have resulted in proper handling of the case by the D.C. Jail.
- R-11 DCDC Department Orders 1281.1 and 1280.2A should be reviewed, coordinated, and reissued. Staff are confused as to reporting requirements, at what level notification should be made, and who is responsible for follow-up.
- R-12 The Interim Notification Procedures developed by the D.C. Jail should be reviewed by the DCDC in conjunction with Recommendation R-11 above. If appropriate, the procedures should reference and conform to DCDC Department Orders.
- R-13 While not a terribly difficult situation to resolve, "dual jurisdiction" facilities like the D.C. Jail need to know exactly what protocol to follow in cases of escape and erroneous release. It is recommended either the Interagency Detention Work Group or a meeting of interested parties convene and draw up clear cut guidelines as to specific steps to cover in each type of case.
- R-14 It is recommended that either the DCDC or the U.S. Marshals Service provide release clothing to those inmates being released directly from Court lockup and who do not have appropriate personal clothing.

- R-15 The DCDC will have to devote a significant amount of resources if it wishes to ever correct the many ills that exist in the D.C. Jail's Record Office. At a minimum, Recommendations 1, 2, and 3 should be implemented without further delay.
- R-16 Additional resources in terms of equipment, space and furniture will need to be devoted if the DCDC wishes to bring the D.C. Jail Record Office up to acceptable standards.
- R-17 The DCDC's Veal Abatement Plan should be reviewed. Some of the Plan needs additional study. While seemingly logical at the time it was drafted, it now appears that certain of the requirements, such as shift rotations every four hours, are not only unworkable, they are counterproductive given the severe lack of abilities many of the staff have to do even one job properly. Instead, it is recommended that staff be thoroughly trained one job at a time. Rotations should be much more infrequent. In addition, given the very pressing day to day problems that currently exist in the Record Office, the weekly training schedule is not currently being met and should be reanalyzed by a DCDC training official.
- R-18 While the DCDC seems to have assigned enough staff to the D.C. Jail Record Office to accomplish their tasks, a thorough review of workflow and staffing, along with desk audits, needs to be conducted to get a true handle on position requirements.
- R-19 Employee absenteeism must be curbed. Corrective action must be swift and certain for employees who fail to report to work. Also, unless absolutely necessary, Record Office employees should not be detailed for long periods of time to other D.C. Jail and DCDC posts.
- R-20 Accountability of staff for their actions must be strenuously emphasized. Negative consequences for poor work performance must be understood by staff and imposed by management. Likewise, management must embrace an appropriate recognition system for high performing staff.
- R-21 The DCDC must find the resources to resolve the folder retirement crisis. Little headway has been made to move almost 50,000 closed inmate folders to archives.
- R-22 An effort should be devoted to place high performing staff in Record Office Legal Instrument Examiner positions and supervisory positions. Grade enhancements may need to be considered.
- R-23 Traffic into the Record Office should be controlled. Folder checkout cards and other accountability techniques should be considered.

- R-24 Release procedures should be changed immediately to add a computerized check of District of Columbia criminal court dockets before releasing any inmate. The check should be made using inmate name and PDID number.
- R-25 Strong consideration should be given to prohibiting inmate releases from the D.C. Jail after a set time, say 9:00 p.m. or earlier. This would not only assist the Jail in more closely supervising releases, it would better protect the public. No good can come out of placing newly-released inmates on the streets of the residential neighborhood around the Jail when the Metro is closed and no busses are running. The Jail has recently received complaints from a female offender support group about the Jail's sometimes practice of releasing female offenders during inappropriate hours.